

**REVISED FLOOR SPEECH**  
**PRESIDENT'S EMERGENCY DECLARATION FOR A WALL**  
**February 28, 2019**

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Today, I rise to call on this body to defend the Constitution. To protect the separation of powers. And to safeguard Congress' role as a co-equal branch of government.

This week, I am introducing a bipartisan resolution with my Senate colleagues to terminate the president's declaration of a national emergency to build his border wall. My partners in this effort include Senator Collins – with me here today — and Senator Murkowski. Senator Collins, I commend your principled stance.

The vote we will take on this resolution is historic.

This is no longer about the president's wall. This is not about party. This is about protecting the very heart of our American system of governance.

Congress – and only Congress — holds the power of the purse. Article 1, Section 9, of the Constitution clearly states: “No money shall be drawn from the treasury, but in Consequence of Appropriations made by Law...”

Congress's power to make spending decisions is clear. There is no ambiguity. Deciding how to spend public funds is among our most fundamental powers -- and responsibilities -- under the Constitution.

The Founders gave this power to the legislative body -- not the executive -- to ensure there is broad support before public funds are spent. Consequential and far-reaching decisions about spending taxpayer money are not left to one person. Not even the president.

This body has rejected the president's request to give him \$5.7 billion dollars for his wall along the southern border with Mexico.

On February 14<sup>th</sup>, not two weeks ago, we passed the Consolidated Appropriations Act of 2019 -- by a vote of 83 to 16.

That compromise bill did **NOT** include the \$5.7 billion the president wanted to build his wall.

Now, whether you believe Congress should fund the president's wall is not at issue. This is a question about the strength of the rule of law in this country. About the separation of powers, which forms the foundation of our American government.

The president's declaration of a national emergency is an end-run around Congress's power to appropriate. Plain and simple.

To quote Senator Collins, the president is "usurping congressional authority."

We are representatives of the people. The people do not want to spend \$5.7 billion dollars on the president's wall. And we must protect their will.

And let's be clear: This emergency declaration has serious implications for states all across our country.

To build his wall, the White House will raid \$3.6 billion dollars from the Department of Defense's military construction budget and \$2.5 billion dollars from that department's drug interdiction program.

But the White House apparently failed to realize there are only \$80 million dollars in the drug interdiction account. So, we should brace for them to trying to take even more military construction funding.

These are military construction funds that Congress already has appropriated for specific projects necessary to support the national security priorities of the United States.

I am privileged to serve on the Appropriations Committee. I understand the hard and careful work that goes into these funding decisions.

For my home state of New Mexico, Congress allocated some \$85 million dollars to construct a Formal Training Unit at Holloman Air Force Base in south-central New Mexico for unmanned aerial vehicles. This investment in technology tracks terrorists and protects our national security.

We allocated \$40 million dollars to White Sands Missile Range to build an information systems facility -- badly needed for next generation research and development activities at the range.

Both these projects were vetted over several years and deemed important to our national security.

New Mexico is not alone. Many states' military bases and regional economies will be impacted.

Colorado, for example, is at risk of losing almost \$100 million dollars for construction projects at Ft. Carson, near Colorado Springs. Ohio risks \$61 million dollars for the first installment for building at the National Air and Space Intelligence Center at Wright-Patterson Air Force Base.

Military constructions projects totaling \$210 million dollars are at risk in Florida, \$520 million in Texas, \$81 million in Utah. The list goes on. Projects in every corner of the country will be impacted.

According to the 1976 Senate report from the National Emergencies Act, the president's emergency power may "be utilized only when **actual** emergencies exist."

There is no "actual" national security emergency at our southern border necessitating a massive wall along the Southern border -- as this body has already determined. This is a matter where the president and Congress have disagreed, and the president is trying to overrule Congress by fiat.

A bipartisan group of 58 former national security officials are sounding the alarm. They write, "Under no plausible assessment of the evidence is there a national emergency today that entitles the president to tap into funds appropriated for other purposes to build a wall at the southern border."

The evidence speaks for itself: The number of border apprehensions has decreased dramatically. Since the early 2000's, southern border apprehensions have dropped 81 percent. The number of apprehensions at the end fiscal year 2017 was the lowest it's been since 1971. A 46 year low.

We have the lowest number of undocumented immigrants in our country that we've had in over a decade.

The Pew Research Center estimated recently the total number of undocumented immigrants residing in the United States is far less now than since 2004. A 14 year low.

And, more people emigrate **TO** Mexico from the United States than immigrate **FROM** Mexico to here. That's right. We have a negative net migration rate with Mexico.

I am from one of the four states that border Mexico. One of the four states that will be most directly affected by a wall.

I know for an absolute fact that there is no national security emergency along my state's border with Mexico.

Quite the opposite. New Mexico's border communities are thriving. International commerce is thriving. Our multicultural communities are thriving. Our crime rates are low.

A wall like the president wants would be disastrous for a state like New Mexico. It will seize away private property -- carve up family ranches, farms, and homesteads. It will harm the beautiful, but fragile, environment.

But -- again -- whether you support the president's wall is not at issue on this vote.

As Senator Tillis put it in an op-ed in the *Washington Post*: "I support Trump's vision on border security. But I would vote against the emergency."

And another sitting Republican Senator recently said, "Congress has been ceding far too much power to the executive branch for decades. We should use this moment as an opportunity to start taking that power back."

Over 20 former Republican Senators and Representatives were compelled to pen a letter opposing the emergency declaration. They state: "It has always been a Republican fundamental principle that no matter how strong our policy preferences, no matter how deep

our loyalties to presidents or party leaders, in order to remain a constitutional republic we must act within the borders of the Constitution.”

The time to act is now.

Litigation has been filed. But Congress should resolve the issue of our own constitutional authority. And not wait for the courts.

Let me repeat: The vote we will take is historic.

It is imperative that all of us – Republican and Democrat – protect and defend our Constitution. That we protect and defend the checks and balances that unequivocally place the power of the purse with Congress. That we affirm our powers – powers that are separate from the president’s.

Our oath is to uphold the Constitution. And the Constitution is clear. The Constitution does not empower the president to raid money by decree -- just because Congress has already said no.

I will vote to terminate the president’s declaration of a national emergency to build his wall. And I urge everyone in this chamber to protect our constitutional prerogative, and to do so as well.

I yield.